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1637

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Date of Deposit: June 12, 2003

Attorney Docket No.: 21465-501 CIP2



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rothberg et al.

SERIAL NUMBER: 09/814,338

EXAMINER: Young J. Kim

FILING DATE: March 21, 2001

ART UNIT: 1637

FOR: Method of Sequencing a Nucleic Acid

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Commissioner for Patents  
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30623

PATENT TRADEMARK OFFICE

## TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (4 pages), in duplicate;
3. Copies of cited references A23-A80, B18-B58 and C67-C69;
4. Check #1475 for \$180; and
5. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

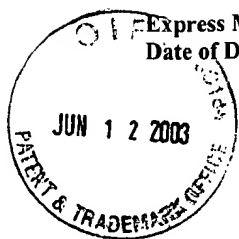
The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 21465-501 CIP2. Please address all correspondence to customer number 30623. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

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Dated: June 12, 2003



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Supplemental Form PTO-1449 (submitted in duplicate) in the above-identified application, copies of which are submitted herewith.

This Supplemental Information Disclosure Statement is being filed more than three months after the filing date of this application but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. Accordingly, the fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the

Applicants: Rothberg et al.  
U.S.S.N.: 09/814,338

information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21465-501 CIP2.

Respectfully submitted,



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PTO/SB (12-97)

OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Modified Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	<b>Application Number</b>	09/814,338
	<b>Filing Date</b>	03/21/01
	<b>First Named Inventor</b>	Rothberg
	<b>Group Art Unit</b>	1637
	<b>Examiner Name</b>	Young J. Kim
	<b>Attorney Docket Number</b>	21465-501 CIP2

## U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A23	4,683,195	07/28/87	Mullis et al.			02/07/86
	A24	4,683,202	07/28/87	Mullis			10/25/85
	A25	4,822,746	04/18/89	Walt			06/25/86
	A26	4,965,188	10/23/90	Mullis et al.			06/17/87
	A27	5,114,984	05/19/92	Branch et al.			04/26/91
	A28	5,143,853	09/01/92	Walt			02/02/89
	A29	5,244,636	09/14/93	Walt et al.			01/25/91
	A30	5,250,264	10/05/93	Walt et al.			12/21/92
	A31	5,252,494	10/12/93	Walt			03/30/92
	A32	5,254,477	10/19/93	Walt			09/19/91
	A33	5,298,741	03/29/94	Walt et al.			01/13/93
	A34	5,320,814	06/14/94	Walt et al.			11/25/92
	A35	5,405,746	04/11/95	Uhlen			09/22/93
	A36	5,429,807	07/04/95	Matson et al.			10/28/93
	A37	5,436,327	07/25/95	Southern et al.			09/21/89
	A38	5,512,490	04/30/96	Walt et al.			08/11/94
	A39	5,534,424	07/09/96	Uhlen et al.			05/12/93
	A40	5,633,972	05/27/97	Walt et al.			11/29/95
	A41	5,700,637	12/23/97	Southern			04/19/94
	A42	5,716,785	02/10/98	Van Gelder et al.			04/19/96
	A43	5,744,305	04/28/98	Fodor et al.			06/06/95
	A44	5,750,341	05/12/98	Macevitz			04/17/95
	A45	5,770,367	06/23/98	Southern et al.			
	A46	5,780,231	07/14/98	Brenner			03/05/96
	A47	5,795,716	08/18/98	Chee et al.			10/21/94
	A48	5,814,524	09/29/98	Walt et al.			12/14/95
	A49	5,871,928	02/16/99	Fodor et al.			06/11/97
	A50	5,891,636	04/06/99	Van Gelder et al.			09/03/97
	A51	5,900,481	05/04/99	Lough et al.			11/06/96
	A52	5,962,228	10/05/99	Brenner			08/22/97
	A53	6,013,445	01/11/00	Albrecht et al.			10/07/97
	A54	6,023,540	02/08/00	Walt et al.			03/14/97

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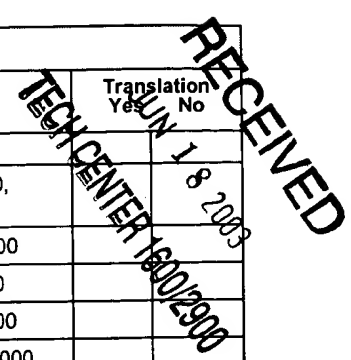
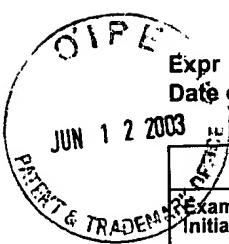
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Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A55	6,040,193	03/21/00	Winkler et al.			08/04/98
	A56	6,054,270	04/25/00	Southern			09/09/97
	A57	6,080,585	06/27/00	Southern et al.			02/01/95
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	A59	6,133,436	10/17/00	Koster et al.			09/19/97
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	A62	6,200,737	03/13/01	Walt et al.			08/24/95
	A63	6,210,891	04/03/01	Nyren et al.			09/26/97
	A64	6,210,896	04/03/01	Chan			08/13/99
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	A67	6,221,653	04/24/01	Caren et al.			04/27/99
	A68	6,255,476	07/03/01	Vinayak et al.			02/22/99
	A69	6,258,568	07/10/01	Nyren			12/22/97
	A70	6,263,286	07/17/01	Gilmanshin et al.			08/13/99
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	A73	6,333,155	12/25/01	Lockhart et al.			12/18/98
	A74	6,355,420	03/12/02	Chan			08/13/98
	A75	6,355,431	03/12/02	Chee et al.			03/03/00
	A76	2001/0006630	07/05/01	Yacoby-Zeevi			03/02/99
	A77	2001/0041335	11/15/01	Goldberg et al.			02/06/01
	A78	2002/0009729	01/24/02	McGall et al.			02/08/01
	A79	2002/0022721	02/21/02	Trulson et al.			08/03/01
	A80	6,146,593	11/14/00	Pinkel et al.			11/14/00
	A81*	5,445,971	08/95	Rohr			
	A82*	5,919,673	07/99	Wong et al.			

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Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	B18	EP 0 373 203	Isis Innovation Limited	August 31, 1994		
	B19	EP 0 619 321	Affymax Technologies N.V.	January 7, 1999		
	B20	WO 89/10977	Isis Innovation Limited	November 16, 1989		
	B21	WO 98/28440	Pyrosequencing AB	July 2, 1998		
	B22	WO 99/05315	Medical Biosystems LTD	February 4, 1999		
	B23	WO 99/60007	Isis Innovation Limited	November 25, 1999		
	B24	WO 99/61662	Isis Innovation Limited	December 2, 1999		
	B25	WO 99/66313	Pyrosequencing AB	December 23, 1999		
	B26	WO 99/67641	Illumina, Inc.	December 29,		



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Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
					1999	
	B27	WO	00/06770	Solexa LTD	February 10, 2000	
	B28	WO	00/27521	Solexa LTD	May 18, 2000	
	B29	WO	00/39587	Illumina, Inc.	July 6, 2000	
	B30	WO	00/43540	Pyrosequencing AB	July 27, 2000	
	B31	WO	00/44491	Illumina, Inc.	August 3, 2000	
	B32	WO	00/47996	Illumina, Inc.	August 17, 2000	
	B33	WO	00/48000	Illumina, Inc.	August 17, 2000	
	B34	WO	00/56455	Pyrosequencing AB	September 28, 2000	
	B35	WO	00/58507	Solexa LTD	October 5, 2000	
	B36	WO	00/60072	Medical Biosystems LTD	October 12, 2000	
	B37	WO	00/60114	Medical Biosystems LTD	October 12, 2000	
	B38	WO	00/63437	Illumina, Inc.	October 26, 2000	
	B39	WO	00/71243	Illumina, Inc.	November 30, 2000	
	B40	WO	00/71992	Illumina, Inc.	November 30, 2000	
	B41	WO	00/71995	Illumina, Inc.	November 30, 2000	
	B42	WO	00/75373	Illumina, Inc.	December 14, 2000	
	B43	WO	01/18524	Illumina, Inc.	March 15, 2001	
	B44	WO	01/24937	Pyrosequencing AB	April 12, 2001	
	B45	WO	01/25480	Medical Biosystems LTD	April 12, 2001	
	B46	WO	01/42496	Pyrosequencing AB	June 14, 2001	
	B47	WO	01/46675	Illumina, Inc.	June 28, 2001	
	B48	WO	01/57268	Illumina, Inc.	August 9, 2001	
	B49	WO	01/57269	Illumina, Inc.	August 9, 2001	
	B50	WO	01/59432	Illumina, Inc.	August 16, 2001	
	B51	WO	01/61043	Illumina, Inc.	August 23, 2001	
	B52	WO	01/85341	Pyrosequencing AB	November 15, 2001	
	B53	WO	02/00336	Illumina, Inc.	January 3, 2002	
	B54	WO	02/12897	Illumina, Inc.	February 14, 2002	
	B55	WO	02/16649	Illumina, Inc.	February 28, 2002	
	B56	WO	02/20836	Pyrosequencing AB	March 14, 2002	
	B57	WO	02/20837	Pyrosequencing AB	March 14, 2002	
	B58	WO	02/21128	Illumina, Inc.	March 14, 2002	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C67	Mitra and Church (1999). <i>Nuc. Acids Res.</i> 27(e34): i-vi.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C68	Tawfik and Griffiths (1998). <i>Nature Biotechnol.</i> 16: 652-656.
	C69	International Search Report for PCT/US02/08700, mailed July 12, 2002.
	C70*	Hoheisel, "Oligomer-chip technology" <i>Trends in BioTechnology</i> 15: 465-469.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. **09/398,833** filed **September 16, 1999** now issued as Pat. No. **6,274,320** and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NYC 264304v1